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APR - 7 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

April 2, 1998

Approved by OMB
3060-0825

Expires 10/31/98

Est. Avg. Burden Per Respondent: 1 Hour

Mr. Michael Wade
President, Database Service Management, Inc.
6 Corporate Place
Room PYA - 1F286
Piscataway, NJ 08854-4157

Subject: Fourth Report and Order (FCC 98-48), CC Docket No. 95-155

Dear Mr. Wade:

In October 1995, the Commission initiated a rulemaking proceeding to smooth the transition to an expanded set of toll free service access codes, starting with the introduction of 888 numbers. This proceeding also was initiated to ensure the promotion of efficient, fair, and orderly allocation and use of these limited numbering resources.

On January 25, 1996, the Common Carrier Bureau, acting pursuant to delegated authority, adopted a *Report and Order* (CC Docket No. 95-155, DA 96-69) addressing the reservation of 888 numbers, tariffing issues, 800 and 888 conservation plans, and interim protection of vanity numbers in 888 ("First Report and Order"). Moreover, in the First Report and Order, the Bureau ordered Database Service Management, Inc. ("DSMI") to place all "888-555-XXXX" numbers in unavailable status until the Commission could reach a decision on the issues raised in the NPRM related to the development of a competitive toll free directory assistance service. The Common Carrier Bureau agreed with an industry plan permitting Responsible Organizations ("RespOrgs"), the entities responsible for managing a toll free subscriber's records, to poll their commercial 800 subscribers to determine which vanity numbers subscribers may want replicated in 888 and to submit that information to Database Service Management, Inc. ("DSMI"), the administrator of the toll free database. The Common Carrier Bureau directed DSMI to place these numbers in "unavailable" status until the Commission resolved whether these numbers ultimately should be afforded permanent special rights or protection.

On March 31, 1998, the Commission issued an *Order and Memorandum Opinion and Order* ("Fourth Report and Order") (a copy of which is enclosed), in which it concluded that vanity numbers in the 877 toll free code and toll free codes beyond 877 shall be released and made available on a first-come, first-served basis. The Commission further concluded that

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800 subscribers holding 800 vanity numbers that correspond to the 888 vanity numbers that were initially set aside shall be offered a right of first refusal to those 888 set-aside numbers. If the 800 subscriber refrains from exercising its option to reserve the corresponding 888 vanity number, that number shall be released and made available on a first-come, first-served basis. The 888 set-aside numbers are to be made available for assignment 90 days after the 877 code is deployed.

The Bureau instructs DSMI to release the 877 numbers into the general pool of available numbers on April 5, 1998 for reservation on a first-come, first-served basis. Further, the Bureau instructs DSMI to inform RespOrgs to notify their 800 subscribers of their right of first refusal of the set-aside 888 numbers. RespOrgs will have 20 days from 877 deployment to notify customers of their rights of first refusal. These 800 subscribers will have 30 days to respond in writing to their RespOrgs. This means that these subscribers must submit their written responses to their RespOrgs no later than 50 days from 877 deployment. RespOrgs will then have 30 days to submit all required documentation to DSMI. This means that RespOrgs must submit to DSMI all required documentation no later than 80 days from 877 deployment. RespOrgs will have 10 days to notify DSMI of errors made regarding deployment of 888 numbers and to provide documentation to support the claim, including documentation that the RespOrg complied with the procedures described in this letter for deploying the 888 numbers. DSMI should resolve these claims expeditiously.

If the 800 subscriber chooses to obtain the corresponding number in the 888 code, that number should be placed in the control of that 800 subscriber's RespOrg 80 days after the 877 code is deployed. We require DSMI to place that number in the control of the appropriate RespOrg only if it receives a letter within the proper time period from that RespOrg making that request along with a clear and legible copy of the letter that the 800 subscriber sent to its RespOrg or Toll Free Service Provider expressing interest in obtaining that 888 number. Those 888 numbers placed in the control of the appropriate RespOrgs should be assigned to the appropriate subscribers no later than 90 days from 877 deployment.

If the 800 subscriber is not interested in obtaining the set-aside 888 number, that 888 number shall be released into the spare pool of available numbers, 90 days after deployment of 877, for assignment on a first-come, first-served basis. We require that DSMI release any 888 set-aside number into the spare pool of available numbers only if one of three events occur: 1) DSMI receives a letter from the RespOrg authorizing DSMI to release that particular 888 number along with a clear and legible copy of the letter that the current 800 subscriber sent to its RespOrg or Toll Free Service Provider refusing that 888 number; 2) DSMI receives a letter from the RespOrg certifying that the RespOrg notified the 800 subscriber and the subscriber failed to respond within the required period of time; or 3) the 800 number corresponding to the 888 set-aside number is not assigned to a subscriber.

Finally, we direct DSMI to place all "877-555-XXXX" numbers in unavailable status along with the "888-555-XXXX" numbers until the Commission has reached a decision on the issues related to the development of competitive directory assistance service.

Paperwork Reduction Act Notice: On March 27, 1998, the Commission adopted an Order and Memorandum Opinion and Order, (CC Docket 95-155), FCC 98-48 ("Fourth Report and Order") resolving how vanity numbers should be assigned. The Commission delegated authority to the Bureau to resolve those issues necessary for the assignment of the 888 set-aside vanity numbers and implementation of 877, including conservation plans, if needed on any or all toll free codes in use to prevent exhaust of toll free numbers before deployment of the next toll free code. The Commission concluded that vanity numbers in the 877 toll free code, and toll free codes beyond 877, shall be released and made available on a first-come, first-served basis as each toll free code is deployed. The Commission further concluded that 800 subscribers holding 800 vanity numbers that correspond to the 888 vanity numbers that were initially set aside shall be offered a right of first refusal to those 888 set-aside numbers. If the 800 subscriber refrains from exercising its option to reserve the corresponding 888 vanity number, that number shall be released and made available on a first-come, first-served basis. The 888 set-aside numbers are to be made available for assignment 90 days after the 877 code is deployed. The requirements are necessary to ensure that toll free subscribers are given notice and opportunity to reserve numbers of their choice. Your response is required.

Remember -- You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid Office of Management and Budget (OMB) control number. This collection has been assigned an OMB control number of 3060-0825.

We have estimated that each response to this collection of information will take, on average, 1 hour. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERF, Washington, D.C. 20554, Paperwork Reduction Project (3060-0825). We also will accept your comments via Internet if you send them to jboley@fcc.gov. Please DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

The foregoing Notice is required by the Privacy Act of 1974, P.L. 93-579, December 31, 1994, 5 U.S.C. 552a(e)(3), and the Paperwork Reduction Act of 1995, P.L. 104-13, 44 U.S.C. Section 3501.

Sincerely,



Geraldine A. Matise

Chief, Network Service Division

Enclosure